

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|---|---|--------------|
| MARKEL INTERNATIONAL INSURANCE COMPANY | : | CIVIL ACTION |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | NO. 08-1052 |
| | : | |
| 2421 SALAM, INC. t/a ABAY | : | |
| | : | |
| and | : | |
| | : | |
| TYJUNIA SNELLING, as Administratrix of the Estate of Claude Demetrius, Dec'd | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 30th day of April, 2009, upon careful and independent consideration of the cross-motions for summary judgment filed by Plaintiff Markel International Insurance Company (“Markel”) (Doc. 17) and Defendant Tyjunia Snelling (Docs. 18 & 19), and the responses filed thereto by each party, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

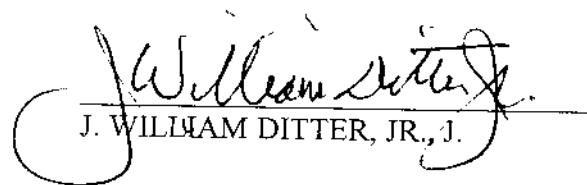
1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The motion for summary judgment filed by Markel is **GRANTED**;
3. The motion for summary judgment filed by Defendant Tyjunia Snelling is **DENIED**;
4. Final Judgment is **ENTERED** in Markel’s favor against Defendant Tyjunia Snelling;
5. The Court **DECLARES** that Markel has no duty to defend or indemnify 2421 Salam, Inc.

t/a Abay for the claims asserted against it in the action filed by Defendant Tyjunia Snelling in the Philadelphia Court of Common Pleas, docketed as *Tyjunia Snelling, as Administratrix of the Estate*

of *Claude Demetrius Snelling v. Abie K. Wasie d/b/a Abay Wheeler's Bar*, November Term 2007, No. 3496; and

6. The Clerk of this Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:



J. WILLIAM DITTER, JR., J.